

**THE INDEPENDENT EXAMINATIONS COMMITTEE
GENERAL LEGAL COUNCIL**

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**PROFESSIONAL LAW COURSE PART II, POST-CALL, OLD PART II
MAIN/REPEAT & SUPPLEMENTARY, 2023**

DATE: WEDNESDAY, 5th JULY 2023

SUBJECT: FAMILY LAW & PRACTICE

TIME ALLOWED: THREE (3) HOURS 12:00noon – 3:00pm

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions **very carefully** before beginning your answers.
2. **ANSWER QUESTION ONE(1) AND ANY THREE (3) QUESTIONS.**
3. Credit will be given for legible handwriting, clarity of expression and orderly presentation of answers.
4. **Do not** write or sign your name on the Answer Booklet. **Only write your index number.**
5. Adhere strictly to the instructions on the front cover of your Answer Booklet.

QUESTION 1

On the 6th of September 2007 Dr. Fred Adjei and Miss Akosua Opoku, both Ghanaian citizens 'tied the knot' at the Presbyterian Church at Mampong Akwapim under a Marriage Officer's Certificate. The marriage was officiated upon by Reverend Ansah

The parties lived in Takoradi, Cape Coast and Kumasi. They finally settled in Accra where they built their matrimonial home.

Dr. Adjei is the Medical Director at the Patriots Hospital and Akosua is a Lawyer but stopped practising when their last child was born. They have three children, Adjeiwaa twelve years, Oforiwa fourteen and Prince fifteen years.

The marriage was a happy one until ten months ago when Akosua noticed a change in the attitude of Fred. He stopped eating meals prepared by Akosua. He claimed that a new canteen had been opened at the hospital and the meals there were equally delicious.

He spent most of his time, during the weekends on his laptop. When Akosua confronted him, he became very angry and shouted on her. Thereafter, Fred moved to the guest room and stopped talking to Akosua. Akosua became

confused and reported the situation to Fred's parents. The parents attempt at reconciliation proved futile.

Fred refused to attend church and other functions with Akosua. On one occasion, when they met at a friend's wedding, Fred openly scolded Akosua in the presence of her colleagues.

About three months ago, when Akosua returned from work, she noticed a note on the kitchen table. The note stated as follows:

"I am no longer in love with you. I am in love with another woman therefore I have decided to leave the matrimonial home. Good bye. Signed Fred Adjei."

Akosua broke down and wept hysterically. She drove to her mother's house and showed her the note. Akosua's parents convened a meeting with Fred. Fred came to the meeting drunk and uncontrollable. Akosua's father asked him to leave and the meeting came to an end. Akosua has decided to petition for divorce. She is no longer in love with Fred.

Akosua and Fred have been married for sixteen years. At the time of the marriage, Fred had solely acquired two blocks of flats in Kumasi. During the marriage, the couple built a block of flats at Aburi. They built a beautiful house at No 55 Jacaranda Avenue, Airport Hills, Accra which they used as their matrimonial home until Fred moved out.

Fred has also cultivated a 100-acre cocoa farm at Suhum in the Eastern region.

Akosua wants the matrimonial home and one of the block of flats at Kumasi. She also wants to have custody of all the children. In addition to the above, Akosua wants Fred to pay maintenance pending the hearing of the divorce petition.

The matrimonial house is situated at 55 Jacaranda Avenue Airport Hills. Accra. Fred is staying at H/N 22 Nii Noi Kwame Street, Shiashe Accra.

HAVING REGARD TO THE FACTS OF THE CASE, ADVISE AND DRAFT THE DIVORCE PETITION FOR FILING AT THE HIGH COURT, ACCRA.

(40 Marks)

QUESTION 2

Edem met Maame Serwaa at a wake keeping in London. He fell in love with her and started dating her a few weeks later. Five months later, both Edem and Maame returned to Ghana and they decided to share a flat at Airport Hills.

When Maame got pregnant, Edem performed the necessary customary law marriage rites and Maame became his wife. Five years after the traditional marriage, Edem and Maame decided to convert their customary marriage to a monogamous marriage. They consulted a marriage officer and complied with

all the mandatory requirements for the creation of a valid monogamous marriage. On the day of the wedding, the recognized minister of the church was taken ill. One of the elders of the church stepped in and performed the wedding ceremony.

Edem has now been crowned the Prince of Alavanyo and has been given a stool wife Dzifa. He wants to know if he can formally marry Dzifa under customary law in addition to Maame.

(20 Marks)

QUESTION 3

Sammy and Nancy married under the Marriages Act in the year 2017. They have two children, Mark and Moses. Mark is three years old and Moses is five years old.

The marriage was a happy one until three months ago when Sammy informed Nancy that he had a one-night stand with his secretary and had made her pregnant.

Nancy is livid and has come to see you for advice. She wants you to file a petition for divorce as soon as possible. She also wants custody of both children.

(20 Marks)

QUESTION 4

Sarah and Francis got married twenty years ago. At the time of the marriage, Francis had acquired two residential buildings at Oyarifa.

During the marriage, Francis acquired three more houses from his earnings as a Dentist.

A few months ago, Sarah discovered that Francis was having an affair with Monica, the neighbour's teenage daughter. When Sara confronted Francis, Francis begged for forgiveness and promised that he would henceforth desist from seeing Monica.

Sarah has been a housewife throughout the marriage. She has no savings or assets. However, she says that she finds it intolerable to live with Francis. She is contemplating a divorce, but she wants to know if she will be entitled to any of Francis's properties.

Advise Sarah.

(20 Marks)

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QUESTION 5

Part three of the Marriages Act, 1884-1985 spells out the circumstances in which the courts will declare a monogamous marriage invalid.

Fully outline these circumstances with reference to relevant case law.

(20 Marks)

QUESTION 6

Discuss the law relating to the registration of Mohammedan Marriages and Divorces as outlined in Part 11 of The Marriages Act 1884-1985 (CAP 129).

(20 Marks)

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